

ASSEMBLY BILL

SECTION 106

1 938.27 (3) (a) 1m. The court shall give a foster parent, treatment foster parent,
2 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
3 subd. 1. an opportunity to be heard at the hearing by permitting the foster parent,
4 treatment foster parent, or other physical custodian to make a written or oral
5 statement during the hearing, or to submit a written statement prior to the hearing,
6 relevant to the issues to be determined at the hearing. Any written or oral statement
7 made under this subdivision shall be made upon oath or affirmation. A foster parent,
8 treatment foster parent, or other physical custodian described in s. 48.62 (2) who
9 receives a notice of a hearing under subd. 1. and an opportunity to be heard under
10 this subdivision does not become a party to the proceeding on which the hearing is
11 held solely on the basis of receiving that notice and opportunity to be heard.

12 **SECTION 107.** 938.315 (2m) of the statutes is created to read:

13 938.315 (2m) No continuance or extension of a time limit specified in this
14 chapter may be granted and no period of delay specified in sub. (1) may be excluded
15 in computing a time requirement under this chapter if the continuance, extension,
16 or exclusion would result in any of the following:

17 (a) The court making an initial finding under s. 938.21 (5) (b) 1., 938.355 (2) (b)
18 6., or 938.357 (2v) (a) 1. that reasonable efforts have been made to prevent the
19 removal of the juvenile from the home, while assuring that the juvenile's health and
20 safety are the paramount concerns, or an initial finding under s. 938.21 (5) (b) 3.,
21 938.355 (2) (b) 6r., or 938.357 (2v) (a) 3. that those efforts were not required to be
22 made because a circumstance specified in s. 938.355 (2d) (b) 1. to 4. applies, more
23 than 60 days after the date on which the juvenile was removed from the home.

24 (b) The court making an initial finding under s. 938.38 (5m) that the agency
25 primarily responsible for providing services to the juvenile has made reasonable

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1 efforts to achieve the goals of the juvenile's permanency plan more than 12 months
2 after the date on which the juvenile was removed from the home or making any
3 subsequent findings under s. 938.38 (5m) as to those reasonable efforts more than
4 12 months after the date of a previous finding as to those reasonable efforts.

5 **SECTION 108.** 938.32 (1) (c) of the statutes is created to read:

6 938.32 (1) (c) 1. If at the time the consent decree is entered into the juvenile
7 is placed outside the home under a voluntary agreement under s. 48.63 or is
8 otherwise living outside the home without a court order and if the consent decree
9 maintains the juvenile in that placement or other living arrangement, the consent
10 decree shall include a finding that placement of the juvenile in his or her home would
11 be contrary to the welfare of the juvenile, a finding as to whether the county
12 department or the agency primarily responsible for providing services to the juvenile
13 has made reasonable efforts to prevent the removal of the juvenile from the home,
14 while assuring that the juvenile's health and safety are the paramount concerns,
15 unless the judge or juvenile court commissioner finds that any of the circumstances
16 specified in s. 938.355 (2d) (b) 1. to 4. applies, and a finding as to whether the county
17 department or agency has made reasonable efforts to achieve the goal of the
18 juvenile's permanency plan, unless return of the juvenile to the home is the goal of
19 the permanency plan and the judge or juvenile court commissioner finds that any of
20 the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

21 2. If the judge or juvenile court commissioner finds that any of the
22 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,
23 the consent decree shall include a determination that the county department or
24 agency primarily responsible for providing services under the consent decree is not

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1 required to make reasonable efforts with respect to the parent to make it possible for
2 the juvenile to return safely to his or her home.

3 3. The judge or juvenile court commissioner shall make the findings specified
4 in subds. 1. and 2. on a case-by-case basis based on circumstances specific to the
5 juvenile and shall document or reference the specific information on which those
6 findings are based in the consent decree. A consent decree that merely references
7 subd. 1. or 2. without documenting or referencing that specific information in the
8 consent decree or an amended consent decree that retroactively corrects an earlier
9 consent decree that does not comply with this subdivision is not sufficient to comply
10 with this subdivision.

11 **SECTION 109.** 938.32 (1) (d) of the statutes is created to read:

12 938.32 (1) (d) 1. If the judge or juvenile court commissioner finds that any of
13 the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a
14 parent, the judge or juvenile court commissioner shall hold a hearing within 30 days
15 after the date of that finding to determine the permanency plan for the juvenile. If
16 a hearing is held under this subdivision, the agency responsible for preparing the
17 permanency plan shall file the permanency plan with the court not less than 5 days
18 before the date of the hearing.

19 2. If a hearing is held under subd. 1., at least 10 days before the date of the
20 hearing the court shall notify the juvenile, any parent, guardian, and legal custodian
21 of the juvenile, and any foster parent, treatment foster parent, or other physical
22 custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of
23 the hearing.

24 3. The court shall give a foster parent, treatment foster parent, or other
25 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.

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1 2. an opportunity to be heard at the hearing by permitting the foster parent,
2 treatment foster parent, or other physical custodian to make a written or oral
3 statement during the hearing, or to submit a written statement prior to the hearing,
4 relevant to the issues to be determined at the hearing. Any written or oral statement
5 made under this subdivision shall be made upon oath or affirmation. A foster parent,
6 treatment foster parent, or other physical custodian who receives a notice of a
7 hearing under subd. 2. and an opportunity to be heard under this subdivision does
8 not become a party to the proceeding on which the hearing is held solely on the basis
9 of receiving that notice and opportunity to be heard.

10 **SECTION 110.** 938.33 (4) (intro.) of the statutes is amended to read:

11 938.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
12 placement in a foster home, treatment foster home, group home, or nonsecured child
13 caring institution or in the home of a relative other than a parent shall be in writing,
14 except that the report may be presented orally at the dispositional hearing if all
15 parties consent. A report that is presented orally shall be transcribed and made a
16 part of the court record. The report shall include all of the following:

17 **SECTION 111.** 938.33 (4) (c) of the statutes is created to read:

18 938.33 (4) (c) Specific information showing that continued placement of the
19 juvenile in his or her home would be contrary to the welfare of the juvenile, specific
20 information showing that the county department or the agency primarily
21 responsible for providing services to the juvenile has made reasonable efforts to
22 prevent the removal of the juvenile from the home, while assuring that the juvenile's
23 health and safety are the paramount concerns, unless any of the circumstances
24 specified in s. 938.355 (2d) (b) 1. to 4. applies, and specific information showing that
25 the county department or agency has made reasonable efforts to achieve the goal of

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1 the juvenile's permanency plan, unless return of the juvenile to the home is the goal
2 of the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b)
3 1. to 4. applies.

4 **SECTION 112.** 938.335 (3g) of the statutes is created to read:

5 938.335 (3g) At hearings under this section, if the agency, as defined in s.
6 938.38 (1) (a), is recommending placement of the juvenile in a foster home, treatment
7 foster home, group home, or child caring institution or in the home of a relative other
8 than a parent, the agency shall present as evidence specific information showing that
9 continued placement of the juvenile in his or her home would be contrary to the
10 welfare of the juvenile, specific information showing that the county department or
11 the agency primarily responsible for providing services to the juvenile has made
12 reasonable efforts to prevent the removal of the juvenile from the home, while
13 assuring that the juvenile's health and safety are the paramount concerns, unless
14 any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, and specific
15 information showing that the county department or agency has made reasonable
16 efforts to achieve the goal of the juvenile's permanency plan, unless return of the
17 juvenile to the home is the goal of the permanency plan and any of the circumstances
18 specified in s. 938.355 (2d) (b) 1. to 4. applies.

19 **SECTION 113.** 938.355 (1) of the statutes is amended to read:

20 938.355 (1) INTENT. In any order under s. 938.34 or 938.345, the court shall
21 decide on a placement and treatment finding based on evidence submitted to the
22 court. The disposition shall employ those means necessary to promote the
23 objectives specified in s. 938.01. ~~If the disposition places a juvenile who has been~~
24 ~~adjudicated delinquent outside the home under s. 938.34 (3) (c) or (d), the order shall~~
25 ~~include a finding that the juvenile's current residence will not safeguard the welfare~~

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1 ~~of the juvenile or the community due to the serious nature of the act for which the~~
2 ~~juvenile was adjudicated delinquent.~~ If the judge has determined that any of the
3 conditions specified in s. 938.34 (4m) (b) 1., 2., or 3. applies, that determination shall
4 be prima facie evidence that a less restrictive alternative than placement in a
5 secured correctional facility, a secured child caring institution, or a secured group
6 home is not appropriate. If information under s. 938.331 has been provided in a court
7 report under s. 938.33 (1), the court shall consider that information when deciding
8 on a placement and treatment finding.

9 **SECTION 114.** 938.355 (2) (b) 6. of the statutes is amended to read:

10 938.355 (2) (b) 6. If the juvenile is placed outside the home ~~and if sub. (2d) does~~
11 ~~not apply, the court's, a finding that continued placement of the juvenile in his or her~~
12 home would be contrary to the welfare of the juvenile or, if the juvenile has been
13 adjudicated delinquent and is placed outside the home under s. 938.34 (3) (a), (c), or
14 (d), a finding that the juvenile's current residence will not safeguard the welfare of
15 the juvenile or the community due to the serious nature of the act for which the
16 juvenile was adjudicated delinquent. The court order shall also contain a finding as
17 to whether -a- the county department which provides social services or the agency
18 primarily responsible for providing services under a court order has made reasonable
19 efforts to prevent the removal of the juvenile from the home, while assuring that the
20 juvenile's health and safety are the paramount concerns, or, if applicable, the court's
21 unless the court finds that any of the circumstances specified in sub. (2d) (b) 1. to 4.
22 applies, and a finding as to whether the county department or agency primarily
23 responsible for providing services under a court order has made reasonable efforts
24 to make it possible for the juvenile to return safely to his or her home achieve the goal
25 of the juvenile's permanency plan, unless return of the juvenile to the home is the

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1 goal of the permanency plan and the court finds that any of the circumstances
2 specified in sub. (2d) (b) 1. to 4. applies. The court shall make the findings specified
3 in this subdivision on a case-by-case basis based on circumstances specific to the
4 juvenile and shall document or reference the specific information on which those
5 findings are based in the court order. A court order that merely references this
6 subdivision without documenting or referencing that specific information in the
7 court order or an amended court order that retroactively corrects an earlier court
8 order that does not comply with this subdivision is not sufficient to comply with this
9 subdivision.

10 **SECTION 115.** 938.355 (2) (b) 6r. of the statutes is created to read:

11 938.355 (2) (b) 6r. If the court finds that any of the circumstances specified in
12 sub. (2d) (b) 1. to 4. applies with respect to a parent, a determination that the county
13 department or agency primarily responsible for providing services under the court
14 order is not required to make reasonable efforts with respect to the parent to make
15 it possible for the juvenile to return safely to his or her home.

16 **SECTION 116.** 938.355 (2b) of the statutes is amended to read:

17 938.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED. A county
18 department ~~that provides social services~~ or the agency primarily responsible for
19 providing services to a juvenile under a court order may, at the same time as the
20 county department or agency is making the reasonable efforts required under sub.
21 (2) (b) 6. to prevent the removal of the juvenile from the home or to make it possible
22 for the juvenile to return safely to his or her home, work with the department of
23 health and family services, a county department under s. 48.57 (1) (e) or (hm), or a
24 child welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place

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1 the juvenile for adoption, with a guardian, with a fit and willing relative, or in some
2 other alternative permanent placement.

3 **SECTION 117.** 938.355 (2c) (b) of the statutes is amended to read:

4 938.355 (2c) (b) When a court makes a finding under sub. (2) (b) 6. as to whether
5 the county department or the agency primarily responsible for providing services to
6 the juvenile under a court order has made reasonable efforts to ~~make it possible for~~
7 ~~the juvenile to return safely to his or her home~~ achieve the goal of the permanency
8 plan, the court's consideration of reasonable efforts shall include, ~~but not be limited~~
9 ~~to~~, the considerations listed under par. (a) 1. to 5. and whether visitation schedules
10 between the juvenile and his or her parents were implemented, unless visitation was
11 denied or limited by the court.

12 **SECTION 118.** 938.355 (2d) (b) (intro.) of the statutes is amended to read:

13 938.355 (2d) (b) (intro.) Notwithstanding sub. (2) (b) 6., the court ~~need not is~~
14 not required to include in a dispositional order a finding as to whether ~~a the~~ county
15 department ~~which provides social services~~ or the agency primarily responsible for
16 providing services under a court order has made reasonable efforts with respect to
17 a parent of a juvenile to prevent the removal of the juvenile from the home, while
18 assuring that the juvenile's health and safety are the paramount concerns, or, if
19 applicable, a finding as to whether the county department or agency ~~primarily~~
20 ~~responsible for providing services under a court order~~ has made reasonable efforts
21 with respect to a parent of a juvenile to ~~make it possible for the juvenile to return~~
22 achieve the permanency plan goal of returning the juvenile safely to his or her home,
23 if the court finds, ~~as evidenced by a final judgment of conviction~~, any of the following:

24 **SECTION 119.** 938.355 (2d) (b) 1. of the statutes is amended to read:

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1 938.355 (2d) (b) 1. That the parent has subjected the juvenile to aggravated
2 circumstances, as evidenced by a final judgment of conviction.

3 **SECTION 120.** 938.355 (2d) (b) 2. of the statutes is amended to read:

4 938.355 (2d) (b) 2. That the parent has committed, has aided or abetted the
5 commission of, or has solicited, conspired, or attempted to commit, a violation of s.
6 940.01, 940.02, 940.03, or 940.05 or a violation of the law of any other state or federal
7 law, if that violation would be a violation of s. 940.01, 940.02, 940.03, or 940.05 if
8 committed in this state, as evidenced by a final judgment of conviction, and that the
9 victim of that violation is a child of the parent.

10 **SECTION 121.** 938.355 (2d) (b) 3. of the statutes is amended to read:

11 938.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (2),
12 (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a)
13 or a violation of the law of any other state or federal law, if that violation would be
14 a violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,
15 or 948.03 (2) (a) or (3) (a) if committed in this state, as evidenced by a final judgment
16 of conviction, and that the violation resulted in great bodily harm, as defined in s.
17 939.22 (14), or in substantial bodily harm, as defined in s. 939.22 (38), to the juvenile
18 or another child of the parent.

19 **SECTION 122.** 938.355 (2d) (b) 4. of the statutes is amended to read:

20 938.355 (2d) (b) 4. That the parental rights of the parent to another child have
21 been involuntarily terminated, as evidenced by a final order of a court of competent
22 jurisdiction terminating those parental rights.

23 **SECTION 123.** 938.355 (2d) (bm) of the statutes is created to read:

24 938.355 (2d) (bm) The court shall make a finding specified in par. (b) 1. to 4.
25 on a case-by-case basis based on circumstances specific to the juvenile and shall

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1 document or reference the specific information on which that finding is based in the
2 dispositional order. A dispositional order that merely references par. (b) 1. to 4.
3 without documenting or referencing that specific information in the dispositional
4 order or an amended dispositional order that retroactively corrects an earlier
5 dispositional order that does not comply with this paragraph is not sufficient to
6 comply with this paragraph.

7 **SECTION 124.** 938.355 (2d) (c) of the statutes is renumbered 938.355 (2d) (c) 1.
8 and amended to read:

9 938.355 (2d) (c) 1. If the court ~~makes a finding~~ finds that any of the
10 circumstances specified in par. (b) 1., ~~2., 3., or 4.~~ to 4. applies with respect to a parent,
11 the court shall hold a hearing within 30 days after the date of that finding to
12 determine the permanency plan for the juvenile. If a hearing is held under this
13 ~~paragraph subdivision~~, the agency responsible for preparing the permanency plan
14 shall file the permanency plan with the court not less than 5 days before the date of
15 the hearing.

16 **SECTION 125.** 938.355 (2d) (c) 2. and 3. of the statutes are created to read:

17 938.355 (2d) (c) 2. If a hearing is held under subd. 1, at least 10 days before the
18 date of the hearing the court shall notify the juvenile, any parent, guardian, and legal
19 custodian of the juvenile, and any foster parent, treatment foster parent, or other
20 physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and
21 purpose of the hearing.

22 3. The court shall give a foster parent, treatment foster parent, or other
23 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.
24 2. an opportunity to be heard at the hearing by permitting the foster parent,
25 treatment foster parent, or other physical custodian to make a written or oral

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1 statement during the hearing, or to submit a written statement prior to the hearing,
2 relevant to the issues to be determined at the hearing. Any written or oral statement
3 made under this subdivision shall be made upon oath or affirmation. A foster parent,
4 treatment foster parent, or other physical custodian who receives a notice of a
5 hearing under subd. 2. and an opportunity to be heard under this subdivision does
6 not become a party to the proceeding on which the hearing is held solely on the basis
7 of receiving that notice and opportunity to be heard.

8 **SECTION 126.** 938.355 (4) (a) of the statutes is amended to read:

9 938.355 (4) (a) Except as provided under par. (b) or s. 938.368, all orders an
10 order under this section shall terminate at the end of one year unless the court
11 specifies a shorter period of time. Except if s. 938.368 applies, extensions or revisions
12 or s. 938.357 or 938.365 made before the juvenile reaches 18 years of age that places
13 or continues the placement of the juvenile in his or her home shall terminate at the
14 end of one year after its entry unless the court specifies a shorter period of time. No
15 extension under s. 938.365 of an original dispositional order may be granted for a
16 juvenile who is subject to an order under s. 938.34 (4d), (4h), (4m) or (4n) if the
17 juvenile is 17 years of age or older when the original dispositional order terminates.
18 Any order made before the juvenile reaches the age of majority shall be effective for
19 a time up to one year after its entry unless the court specifies a shorter period of time
20 or the court terminates the order sooner. Except as provided in par. (b) or s. 938.368,
21 an order under this section or s. 938.357 or 938.365 made before the juvenile reaches
22 18 years of age that places or continues the placement of the juvenile in a foster home,
23 treatment foster home, group home, or child caring institution or in the home of a
24 relative other than a parent shall terminate when the juvenile reaches 18 years of
25 age, at the end of one year after its entry, or, if the juvenile is a full-time student at

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1 a secondary school or its vocational or technical equivalent and is reasonably
2 expected to complete the program before reaching 19 years of age, when the juvenile
3 reaches 19 years of age, whichever is later, unless the court specifies a shorter period
4 of time or the court terminates the order sooner.

5 SECTION 127. 938.355 (4) (b) of the statutes is amended to read:

6 938.355 (4) (b) ~~An order under s. 938.34 (4d), (4h) or (4m) for which a juvenile~~
7 ~~has been adjudicated delinquent is subject to par. (a), except that the judge may make~~
8 Except as provided in s. 938.368, an order under s. 938.34 (4d) or (4m) made before
9 the juvenile reaches 18 years of age may apply for up to 2 years after its entry or until
10 the juvenile's 18th birthdate, whichever is earlier and the judge shall make, unless
11 the court specifies a shorter period of time or the court terminates the order sooner.
12 Except as provided in s. 938.368, an order under s. 938.34 (4h) made before the
13 juvenile reaches 18 years of age shall apply for 5 years after its entry, if the juvenile
14 is adjudicated delinquent for committing an act that would be punishable as a
15 Class B felony if committed by an adult, or until the juvenile reaches 25 years of age,
16 if the juvenile is adjudicated delinquent for committing an act that would be
17 punishable as a Class A felony if committed by an adult. Except as provided in s.
18 938.368, an extension of an order under s. 938.34 (4d), (4h), (4m), or (4n) made before
19 the juvenile reaches 17 years of age shall terminate at the end of one year after its
20 entry unless the court specifies a shorter period of time or the court terminates the
21 order sooner. No extension under s. 938.365 of an original dispositional order under
22 s. 938.34 (4d), (4h), (4m), or (4n) may be granted for a juvenile who is 17 years of age
23 or older when the original dispositional order terminates.

24 SECTION 128. 938.355 (6) (a) of the statutes is amended to read:

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1 938.355 (6) (a) If a juvenile who has been adjudged delinquent or to have
2 violated a civil law or ordinance, other than an ordinance enacted under s. 118.163
3 (1m) or (2), violates a condition specified in sub. (2) (b) 7., the court may impose on
4 the juvenile any of the sanctions specified in par. (d) if, at the dispositional hearing
5 under s. 938.335, the court explained the conditions to the juvenile and informed the
6 juvenile of those possible sanctions or if before the violation the juvenile has
7 acknowledged in writing that he or she has read, or has had read to him or her, those
8 conditions and possible sanctions and that he or she understands those conditions
9 and possible sanctions. If a juvenile who has been found to be in need of protection
10 or services under s. 938.13 (4), (6m), (7), (12), or (14) violates a condition specified in
11 sub. (2) (b) 7., the court may impose on the juvenile any of the sanctions specified in
12 par. (d), other than placement in a secure detention facility or juvenile portion of a
13 county jail, if, at the dispositional hearing under s. 938.335, the court explained the
14 conditions to the juvenile and informed the juvenile of those possible sanctions or if
15 before the violation the juvenile has acknowledged in writing that he or she has read,
16 or has had read to him or her, those conditions and possible sanctions and that he or
17 she understands those conditions and possible sanctions.

18 (cm) The court may not order the sanction of placement in a place of nonsecure
19 custody specified in par. (d) 1. unless the court finds that the agency primarily
20 responsible for providing services for the juvenile has made reasonable efforts to
21 prevent the removal of the juvenile from his or her home and that continued
22 placement of the juvenile in his or her home is contrary to the welfare of the juvenile.
23 The court shall make the findings specified in this paragraph on a case-by-case basis
24 based on circumstances specific to the juvenile and shall document or reference the
25 specific information on which that finding is based in the sanction order. A sanction

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1 order that merely references this paragraph without documenting or referencing
2 that specific information in the sanction order or an amended sanction order that
3 retroactively corrects an earlier sanction order that does not comply with this
4 paragraph is not sufficient to comply with this paragraph.

5 **SECTION 129.** 938.355 (6m) (cm) of the statutes is created to read:

6 938.355 **(6m)** (cm) The court may not order the sanction of placement in a place
7 of nonsecure custody specified in par. (a) 1g. unless the court finds that the agency
8 primarily responsible for providing services for the juvenile has made reasonable
9 efforts to prevent the removal of the juvenile from his or her home and that continued
10 placement of the juvenile in his or her home is contrary to the welfare of the juvenile.
11 The court shall make the findings specified in this paragraph on a case-by-case basis
12 based on circumstances specific to the juvenile and shall document or reference the
13 specific information on which that finding is based in the sanction order. A sanction
14 order that merely references this paragraph without documenting or referencing
15 that specific information in the sanction order or an amended sanction order that
16 retroactively corrects an earlier sanction order that does not comply with this
17 paragraph is not sufficient to comply with this paragraph.

18 **SECTION 130.** 938.357 (1) of the statutes is renumbered 938.357 (1) (a) and
19 amended to read:

20 938.357 **(1)** (a) The person or agency primarily responsible for implementing
21 the dispositional order or the district attorney may request a change in the
22 placement of the juvenile, whether or not the change requested is authorized in the
23 dispositional order and, as provided in par. (b) or (c), whichever is applicable.

24 (b) 1. If the proposed change in placement involves any change in placement
25 other than a change in placement specified in par. (c), the person or agency primarily

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1 responsible for implementing the dispositional order or the district attorney shall
2 cause written notice of the proposed change in placement to be sent to the juvenile
3 ~~or the juvenile's counsel or guardian ad litem, the parent, guardian, and legal~~
4 custodian of the juvenile, and any foster parent, treatment foster parent, or other
5 physical custodian described in s. 48.62 (2), ~~guardian and legal custodian of the~~
6 juvenile. The notice shall contain the name and address of the new placement, the
7 reasons for the change in placement, a statement describing why the new placement
8 is preferable to the present placement, and a statement of how the new placement
9 satisfies objectives of the treatment plan ordered by the court.

10 2. Any person receiving the notice under ~~this subsection~~ subd. 1. or notice of
11 the specific foster or treatment foster placement under s. 938.355 (2) (b) 2. may obtain
12 a hearing on the matter by filing an objection with the court within 10 days after
13 receipt of the notice. Placements shall may not be changed until 10 days after such
14 notice is sent to the court unless the parent, guardian, or legal custodian and the
15 juvenile, if 12 or more years of age, sign written waivers of objection, except that
16 ~~placement changes which~~ changes in placement that were authorized in the
17 dispositional order may be made immediately if notice is given as required ~~in this~~
18 ~~subsection~~ under subd. 1. In addition, a hearing is not required for placement
19 changes authorized in the dispositional order except ~~where~~ when an objection filed
20 by a person who received notice alleges that new information is available ~~which~~ that
21 affects the advisability of the court's dispositional order.

22 **SECTION 131.** 938.357 (1) (b) 3. of the statutes is created to read:

23 938.357 (1) (b) 3. If the court changes the juvenile's placement from a
24 placement outside the home to another placement outside the home, the change in
25 placement order shall contain one of the statements specified in sub. (2v) (a) 2.

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1 **SECTION 132.** 938.357 (1) (c) of the statutes is created to read:

2 938.357 (1) (c) 1. If the proposed change in placement would change the
3 placement of a juvenile placed in the home to a placement outside the home, the
4 person or agency primarily responsible for implementing the dispositional order or
5 the district attorney shall submit a request for the change in placement to the court.
6 The request shall contain the name and address of the new placement, the reasons
7 for the change in placement, a statement describing why the new placement is
8 preferable to the present placement, and a statement of how the new placement
9 satisfies objectives of the treatment plan ordered by the court. The request shall also
10 contain specific information showing that continued placement of the juvenile in his
11 or her home would be contrary to the welfare of the juvenile and, unless any of the
12 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, specific information
13 showing that the agency primarily responsible for implementing the dispositional
14 order has made reasonable efforts to prevent the removal of the juvenile from the
15 home, while assuring that the juvenile's health and safety are the paramount
16 concerns.

17 2. The court shall hold a hearing prior to ordering any change in placement
18 requested under subd. 1. Not less than 3 days prior to the hearing, the court shall
19 provide notice of the hearing, together with a copy of the request for the change in
20 placement, to the juvenile, the parent, guardian, and legal custodian of the juvenile,
21 and all parties that are bound by the dispositional order. If all parties consent, the
22 court may proceed immediately with the hearing.

23 3. If the court changes the juvenile's placement from a placement in the
24 juvenile's home to a placement outside the juvenile's home, the change in placement
25 order shall contain the findings specified in sub. (2v) (a) 1., one of the statements

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1 specified in sub. (2v) (a) 2., and, if in addition the court finds that any of the
2 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,
3 the determination specified in sub. (2v) (a) 3.

4 **SECTION 133.** 938.357 (2) of the statutes is amended to read:

5 938.357 (2) If emergency conditions necessitate an immediate change in the
6 placement of a juvenile placed outside the home, the person or agency primarily
7 responsible for implementing the dispositional order may remove the juvenile to a
8 new placement, whether or not authorized by the existing dispositional order,
9 without the prior notice provided in sub. (1) (b) 1. The notice shall, however, be sent
10 within 48 hours after the emergency change in placement. Any party receiving
11 notice may demand a hearing under sub. (1) (b) 2. In emergency situations, the
12 juvenile may be placed in a licensed public or private shelter care facility as a
13 transitional placement for not more than 20 days, as well as in any placement
14 authorized under s. 938.34 (3).

15 **SECTION 134.** 938.357 (2m) of the statutes is renumbered 938.357 (2m) (a) and
16 amended to read:

17 938.357 (2m) (a) The juvenile, the parent, guardian, or legal custodian of the
18 juvenile, or any person or agency primarily bound by the dispositional order, other
19 than the person or agency responsible for implementing the order, may request a
20 change in placement under this ~~subsection~~ paragraph. The request shall contain the
21 name and address of the place of the new placement requested and shall state what
22 new information is available ~~which~~ that affects the advisability of the current
23 placement. If the proposed change in placement would change the placement of a
24 juvenile placed in the home to a placement outside the home, the request shall also
25 contain specific information showing that continued placement of the juvenile in the

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1 home would be contrary to the welfare of the juvenile and, unless any of the
2 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, specific information
3 showing that the agency primarily responsible for implementing the dispositional
4 order has made reasonable efforts to prevent the removal of the juvenile from the
5 home, while assuring that the juvenile's health and safety are the paramount
6 concerns. This request shall be submitted to the court. In addition, the court may
7 propose a change in placement on its own motion.

8 (b) The court shall hold a hearing on the matter prior to ordering any change
9 in placement ~~under this subsection~~ requested or proposed under par. (a) if the
10 request states that new information is available ~~which~~ that affects the advisability
11 of the current placement, unless the requested or proposed change in placement
12 involves any change in placement other than a change in placement of a juvenile
13 placed in the home to a placement outside the home and written waivers of objection
14 to the proposed change in placement are signed by all parties entitled to receive
15 notice under sub. (1) (b) 1. and the court approves. If a hearing is scheduled, the court
16 shall notify the juvenile, the parent, guardian, and legal custodian of the juvenile,
17 any foster parent, treatment foster parent, or other physical custodian described in
18 s. 48.62 (2) of the juvenile, and all parties who are bound by the dispositional order
19 at least 3 days prior to the hearing. A copy of the request or proposal for the change
20 in placement shall be attached to the notice. If all the parties consent, the court may
21 proceed immediately with the hearing.

22 **SECTION 135.** 938.357 (2m) (c) of the statutes is created to read:

23 938.357 (2m) (c) If the court changes the juvenile's placement from a placement
24 in the juvenile's home to a placement outside the juvenile's home, the change in
25 placement order shall contain the findings specified in sub. (2v) (a) 1., one of the

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1 statements specified in sub. (2v) (a) 2., and, if in addition the court finds that any of
2 the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a
3 parent, the determination specified in sub. (2v) (a) 3.

4 **SECTION 136.** 938.357 (2r) of the statutes is amended to read:

5 938.357 (2r) If a hearing is held under sub. (1) (b) 2. or (2m) (b) and the change
6 in placement would remove a juvenile from a foster home, treatment foster home, or
7 other placement with a physical custodian described in s. 48.62 (2), the court shall
8 give the foster parent, treatment foster parent, or other physical custodian described
9 in s. 48.62 (2) an opportunity to be heard at the hearing by permitting the foster
10 parent, treatment foster parent, or other physical custodian to make a written or oral
11 statement during the hearing or to submit a written statement prior to the hearing
12 relating to the juvenile and the requested change in placement. Any written or oral
13 statement made under this subsection shall be made under oath or affirmation. A
14 foster parent, treatment foster parent, or other physical custodian described in s.
15 48.62 (2) who receives notice of a hearing under sub. (1) (b) 1. or (2m) (b) and an
16 opportunity to be heard under this subsection does not become a party to the
17 proceeding on which the hearing is held solely on the basis of receiving that notice
18 and opportunity to be heard.

19 **SECTION 137.** 938.357 (2v) of the statutes, as created by 2001 Wisconsin Act 16,
20 is renumbered 938.357 (2v) (a) 2. and amended to read:

21 938.357 (2v) (a) 2. If ~~a hearing is held under sub. (1) or (2m) and the change~~
22 ~~in placement would place the juvenile outside the home in a placement order would~~
23 change the placement of the juvenile to a placement outside the home recommended
24 by the person or agency primarily responsible for implementing the dispositional
25 order, ~~the change in placement order shall include~~ whether from a placement in the

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1 home or from another placement outside the home, a statement that the court
2 approves the placement recommended by the person or agency or, if the juvenile is
3 placed outside the home in a placement other than change in placement order would
4 change the placement of the juvenile to a placement outside the home that is not a
5 placement recommended by that person or agency, whether from a placement in the
6 home or from another placement outside the home, a statement that the court has
7 given bona fide consideration to the recommendations made by that person or agency
8 and all parties relating to the juvenile's placement.

9 **SECTION 138.** 938.357 (2v) (a) (intro.) of the statutes is created to read:

10 938.357 (2v) (a) (intro.) A change in placement order under sub. (1) or (2m)
11 shall contain all of the following:

12 **SECTION 139.** 938.357 (2v) (a) 1. of the statutes is created to read:

13 938.357 (2v) (a) 1. If the court changes the juvenile's placement from a
14 placement in the juvenile's home to a placement outside the juvenile's home, a
15 finding that continued placement of the juvenile in his or her home would be contrary
16 to the health, safety, and welfare of the juvenile and, unless a circumstance specified
17 in s. 938.355 (2d) (b) 1. to 4. applies, a finding that the agency primarily responsible
18 for implementing the dispositional order has made reasonable efforts to prevent the
19 removal of the juvenile from the home, while assuring that the juvenile's health and
20 safety are the paramount concerns.

21 **SECTION 140.** 938.357 (2v) (a) 3. of the statutes is created to read:

22 938.357 (2v) (a) 3. If the court finds that any of the circumstances specified in
23 s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, a determination that the
24 agency primarily responsible for providing services under the change in placement

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1 order is not required to make reasonable efforts with respect to the parent to make
2 it possible for the juvenile to return safely to his or her home.

3 **SECTION 141.** 938.357 (2v) (b) of the statutes is created to read:

4 938.357 (2v) (b) The court shall make the findings specified in par. (a) 1. and
5 3. on a case-by-case basis based on circumstances specific to the juvenile and shall
6 document or reference the specific information on which those findings are based in
7 the change in placement order. A change in placement order that merely references
8 par. (a) 1. or 3. without documenting or referencing that specific information in the
9 change in placement order or an amended change in placement order that
10 retroactively corrects an earlier change in placement order that does not comply with
11 this paragraph is not sufficient to comply with this paragraph.

12 **SECTION 142.** 938.357 (2v) (c) of the statutes is created to read:

13 938.357 (2v) (c) 1. If the court finds under par. (a) 3. that any of the
14 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,
15 the court shall hold a hearing within 30 days after the date of that finding to
16 determine the permanency plan for the juvenile. If a hearing is held under this
17 paragraph, the agency responsible for preparing the permanency plan shall file the
18 permanency plan with the court not less than 5 days before the date of the hearing.

19 2. If a hearing is held under subd. 1, at least 10 days before the date of the
20 hearing the court shall notify the juvenile, any parent, guardian, and legal custodian
21 of the juvenile, and any foster parent, treatment foster parent, or other physical
22 custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of
23 the hearing.

24 3. The court shall give a foster parent, treatment foster parent, or other
25 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.

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1 2. an opportunity to be heard at the hearing by permitting the foster parent,
2 treatment foster parent, or other physical custodian to make a written or oral
3 statement during the hearing, or to submit a written statement prior to the hearing,
4 relevant to the issues to be determined at the hearing. Any written or oral statement
5 made under this subdivision shall be made upon oath or affirmation. A foster parent,
6 treatment foster parent, or other physical custodian who receives a notice of a
7 hearing under subd. 2. and an opportunity to be heard under this subdivision does
8 not become a party to the proceeding on which the hearing is held solely on the basis
9 of receiving that notice and opportunity to be heard.

10 **SECTION 143.** 938.357 (3) of the statutes is amended to read:

11 938.357 (3) Subject to sub. (4) (b) and (c) and (5) (e), if the proposed change in
12 placement would involve placing a juvenile in a secured correctional facility, a
13 secured child caring institution, or a secured group home, notice shall be given as
14 provided in sub. (1) (b) 1. A hearing shall be held, unless waived by the juvenile,
15 parent, guardian, and legal custodian, before the judge makes a decision on the
16 request. The juvenile shall be entitled to counsel at the hearing, and any party
17 opposing or favoring the proposed new placement may present relevant evidence and
18 cross-examine witnesses. The proposed new placement may be approved only if the
19 judge finds, on the record, that the conditions set forth in s. 938.34 (4m) have been
20 met.

21 **SECTION 144.** 938.357 (4) (b) 2. of the statutes, as affected by 2001 Wisconsin
22 Act 16, is amended to read:

23 938.357 (4) (b) 2. If a juvenile whom the court has placed in a Type 2 child
24 caring institution under s. 938.34 (4d) violates a condition of his or her placement in
25 the Type 2 child caring institution, the child welfare agency operating the Type 2

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1 child caring institution shall notify the county department that has supervision over
2 the juvenile and, if the county department agrees to a change in placement under this
3 subdivision, the child welfare agency shall notify the department, and the
4 department, after consulting with the child welfare agency, may place the juvenile
5 in a Type 1 secured correctional facility under the supervision of the department,
6 without a hearing under sub. (1) (b) 2., for not more than 10 days. If a juvenile is
7 placed in a Type 1 secured correctional facility under this subdivision, the county
8 department that has supervision over the juvenile shall reimburse the child welfare
9 agency operating the Type 2 child caring institution in which the juvenile was placed
10 at the rate established under s. 46.037, and that child welfare agency shall reimburse
11 the department at the rate specified in s. 301.26 (4) (d) 2. or 3., whichever is
12 applicable, for the cost of the juvenile's care while placed in a Type 1 secured
13 correctional facility.

14 **SECTION 145.** 938.357 (4) (c) 1. of the statutes is amended to read:

15 938.357 (4) (c) 1. If a juvenile is placed in a Type 2 secured correctional facility
16 operated by a child welfare agency under par. (a) and it appears that a less restrictive
17 placement would be appropriate for the juvenile, the department, after consulting
18 with the child welfare agency that is operating the Type 2 secured correctional
19 facility in which the juvenile is placed, may place the juvenile in a less restrictive
20 placement, and may return the juvenile to the Type 2 secured correctional facility
21 without a hearing under sub. (1) (b) 2. The child welfare agency shall establish a rate
22 for each type of placement in the manner provided in s. 46.037.

23 **SECTION 146.** 938.357 (4) (c) 2. of the statutes is amended to read:

24 938.357 (4) (c) 2. If a juvenile is placed in a Type 2 child caring institution under
25 s. 938.34 (4d) and it appears that a less restrictive placement would be appropriate

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1 for the juvenile, the child welfare agency operating the Type 2 child caring
2 institution shall notify the county department that has supervision over the juvenile
3 and, if the county department agrees to a change in placement under this
4 subdivision, the child welfare agency may place the juvenile in a less restrictive
5 placement. A child welfare agency may also, with the agreement of the county
6 department that has supervision over a juvenile who is placed in a less restrictive
7 placement under this subdivision, return the juvenile to the Type 2 child caring
8 institution without a hearing under sub. (1) (b) 2. The child welfare agency shall
9 establish a rate for each type of placement in the manner provided in s. 46.037.

10 **SECTION 147.** 938.357 (4) (d) of the statutes is amended to read:

11 938.357 (4) (d) The department may transfer a juvenile who is placed in a Type
12 1 secured correctional facility to the Racine youthful offender correctional facility
13 named in s. 302.01 if the juvenile is 15 years of age or over and the office of juvenile
14 offender review in the department has determined that the conduct of the juvenile
15 in the Type 1 secured correctional facility presents a serious problem to the juvenile
16 or others. The factors that the office of juvenile offender review may consider in
17 making that determination shall include, but are not limited to, whether and to what
18 extent the juvenile's conduct in the Type 1 secured correctional facility is violent and
19 disruptive, the security needs of the Type 1 secured correctional facility, and whether
20 and to what extent the juvenile is refusing to cooperate or participate in the
21 treatment programs provided for the juvenile in the Type 1 secured correctional
22 facility. Notwithstanding sub. (1) (b) 2., a juvenile is not entitled to a hearing
23 regarding the department's exercise of authority under this paragraph unless the
24 department provides for a hearing by rule. A juvenile may seek review of a decision
25 of the department under this paragraph only by the common law writ of certiorari.

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1 If the department transfers a juvenile under this paragraph, the department shall
2 send written notice of the transfer to the parent, guardian, legal custodian and
3 committing court.

4 **SECTION 148.** 938.357 (5) (a) of the statutes is amended to read:

5 938.357 (5) (a) The department or a county department, whichever has been
6 designated as a juvenile's aftercare provider under s. 938.34 (4n), may revoke the
7 aftercare status of that juvenile. Revocation of aftercare supervision shall not
8 require prior notice under sub. (1) (b) 1.

9 **SECTION 149.** 938.357 (6) of the statutes is amended to read:

10 938.357 (6) No change in placement may extend the expiration date of the
11 original order, except that if the change in placement is from a placement in the
12 juvenile's home to a placement in a foster home, treatment foster home, group home,
13 or child caring institution or in the home of a relative who is not a parent, the court
14 may extend the expiration date of the original order to the date on which the juvenile
15 reaches 18 years of age, to the date that is one year after the date of the change in
16 placement order, or, if the juvenile is a full-time student at a secondary school or its
17 vocational or technical equivalent and is reasonably expected to complete the
18 program before reaching 19 years of age, to the date on which the juvenile reaches
19 19 years of age, whichever is later, or for a shorter period of time as specified by the
20 court. If the change in placement is from a placement in a foster home, treatment
21 foster home, group home, or child caring institution or in the home of a relative to
22 a placement in the juvenile's home and if the expiration date of the original order is
23 more than one year after the date of the change in placement order, the court shall
24 shorten the expiration date of the original order to the date that is one year after the
25 date of the change in placement order or to an earlier date as specified by the court.

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1 **SECTION 150.** 938.365 (1) of the statutes is amended to read:

2 938.365 (1) In this section, a juvenile is considered to have been placed outside
3 of his or her home on the date on which ~~the juvenile was first placed outside of his~~
4 ~~or her home pursuant to an order under this section or s. 938.345, 938.357 or 938.363~~
5 ~~or on the date that is 60 days after the date on which the juvenile was~~ first removed
6 from his or her home, ~~whichever is earlier.~~

7 **SECTION 151.** 938.365 (2g) (b) 2. of the statutes is amended to read:

8 938.365 (2g) (b) 2. An evaluation of the juvenile's adjustment to the placement
9 and of any progress the juvenile has made, suggestions for amendment of the
10 permanency plan, ~~a description of efforts to return the juvenile safely to his or her~~
11 ~~home~~ and specific information showing the efforts that have been made to achieve
12 the goal of the permanency plan, including, if applicable, the efforts of the parents
13 to remedy the factors which that contributed to the juvenile's placement and, if
14 continued placement outside of the juvenile's home is recommended, an explanation
15 of why returning the juvenile to his or her home is not safe or feasible, unless return
16 of the juvenile to the home is the goal of the permanency plan and any of the
17 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

18 **SECTION 152.** 938.365 (2g) (b) 3. of the statutes is amended to read:

19 938.365 (2g) (b) 3. If the juvenile has been placed outside of his or her home
20 for 15 of the most recent 22 months, not including any period during which the
21 juvenile was a runaway from the out-of-home placement or the juvenile was
22 returned to his or her home for a trial home visit of 6 months or less, a statement of
23 whether or not a recommendation has been made to terminate the parental rights
24 of the parents of the juvenile. If a recommendation for a termination of parental
25 rights has been made, the statement shall indicate the date on which the

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1 recommendation was made, any previous progress made to accomplish the
2 termination of parental rights, any barriers to the termination of parental rights,
3 specific steps to overcome the barriers and when the steps will be completed, reasons
4 why adoption would be in the best interest of the juvenile and whether or not the
5 juvenile should be registered with the adoption information exchange. If a
6 recommendation for termination of parental rights has not been made, the
7 statement shall include an explanation of the reasons why a recommendation for
8 termination of parental rights has not been made. If the lack of appropriate adoptive
9 resources is the primary reason for not recommending a termination of parental
10 rights, the agency shall recommend that the juvenile be registered with the adoption
11 information exchange or report the reason why registering the juvenile is contrary
12 to the best interest of the juvenile.

13 **SECTION 153.** 938.365 (2m) (a) of the statutes is renumbered 938.365 (2m) (a)
14 1. and amended to read:

15 938.365 (2m) (a) 1. Any party may present evidence relevant to the issue of
16 extension. If the juvenile is placed outside of his or her home, the person or agency
17 primarily responsible for providing services to the juvenile shall present as evidence
18 specific information showing that the agency has made reasonable efforts to achieve
19 the goal of the juvenile's permanency plan, unless return of the juvenile to the home
20 is the goal of the permanency plan and any of the circumstances specified in s.
21 938.355 (2d) (b) 1. to 4. applies. The court shall make findings of fact and conclusions
22 of law based on the evidence. ~~Subject to s. 938.355 (2d), the~~ The findings of fact shall
23 include a finding as to whether reasonable efforts were made by the agency primarily
24 responsible for providing services to the juvenile to ~~make it possible for the juvenile~~
25 ~~to return safely to his or her home~~ achieve the goal of the juvenile's permanency plan.

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1 unless return of the juvenile to the home is the goal of the permanency plan and the
2 court finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4.
3 applies. An order shall be issued under s. 938.355.

4 **SECTION 154.** 938.365 (2m) (a) 2. of the statutes is created to read:

5 938.365 (2m) (a) 2. If the court finds that any of the circumstances specified
6 in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the order shall include
7 a determination that the person or agency primarily responsible for providing
8 services to the juvenile is not required to make reasonable efforts with respect to the
9 parent to make it possible for the juvenile to return safely to his or her home.

10 **SECTION 155.** 938.365 (2m) (a) 3. of the statutes is created to read:

11 938.365 (2m) (a) 3. The court shall make the findings specified in subd. 1.
12 relating to reasonable efforts to achieve the goal of the juvenile's permanency plan
13 and the findings specified in subd. 2. on a case-by-case basis based on circumstances
14 specific to the juvenile and shall document or reference the specific information on
15 which those findings are based in the order issued under s. 938.355. An order that
16 merely references subd. 1. or 2. without documenting or referencing that specific
17 information in the order or an amended order that retroactively corrects an earlier
18 order that does not comply with this subdivision is not sufficient to comply with this
19 subdivision.

20 **SECTION 156.** 938.365 (2m) (ad) of the statutes is created to read:

21 938.365 (2m) (ad) 1. If the court finds that any of the circumstances specified
22 in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a
23 hearing within 30 days after the date of that finding to determine the permanency
24 plan for the juvenile. If a hearing is held under this subdivision, the agency

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1 responsible for preparing the permanency plan shall file the permanency plan with
2 the court not less than 5 days before the date of the hearing.

3 2. If a hearing is held under subd. 1., at least 10 days before the date of the
4 hearing the court shall notify the juvenile, any parent, guardian, and legal custodian
5 of the juvenile, and any foster parent, treatment foster parent, or other physical
6 custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of
7 the hearing.

8 **SECTION 157.** 938.365 (2m) (ag) of the statutes is amended to read:

9 938.365 (2m) (ag) ~~In addition to any evidence presented under par. (a), the~~ The
10 court shall give a foster parent, treatment foster parent, or other physical custodian
11 described in s. 48.62 (2) of the juvenile who is notified of a hearing under par. (ad)
12 2. or sub. (2) an opportunity to be heard at the hearing by permitting the foster
13 parent, treatment foster parent, or other physical custodian to make a written or oral
14 statement during the hearing, or to submit a written statement prior to the hearing,
15 relevant to the issue of extension. Any written or oral statement made under this
16 paragraph shall be made under oath or affirmation. A foster parent, treatment foster
17 parent, or other physical custodian described in s. 48.62 (2) who receives notice of a
18 hearing under par. (ad) 2. or sub. (2) and an opportunity to be heard under this
19 paragraph does not become a party to the proceeding on which the hearing is held
20 solely on the basis of receiving that notice and opportunity to be heard.

21 **SECTION 158.** 938.365 (5) of the statutes is amended to read:

22 938.365 (5) Except as provided in s. 938.368, ~~all orders~~ an order under this
23 section that continues the placement of a juvenile in his or her home or that extends
24 an order under s. 938.34 (4d), (4h), (4m), or (4n) shall be for a specified length of time
25 not to exceed one year after its date of entry. Except as provided in s. 938.368, an

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1 order under this section that continues the placement of a juvenile in a foster home,
2 treatment foster home, group home, or child caring institution or in the home of a
3 relative other than a parent shall be for a specified length of time not to exceed the
4 date on which the juvenile reaches 18 years of age, one year after the date of entry
5 of the order, or, if the juvenile is a full-time student at a secondary school or its
6 vocational or technical equivalent and is reasonably expected to complete the
7 program before reaching 19 years of age, the date on which the juvenile reaches 19
8 years of age, whichever is later.

9 **SECTION 159.** 938.38 (2) (intro.) of the statutes is amended to read:

10 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
11 for each juvenile living in a foster home, treatment foster home, group home, child
12 caring institution, secure detention facility, or shelter care facility or in the home of
13 a relative other than a parent, the agency that placed the juvenile or arranged the
14 placement or the agency assigned primary responsibility for providing services to the
15 juvenile under s. 938.355 shall prepare a written permanency plan, if any of the
16 following conditions exists:

17 **SECTION 160.** 938.38 (2) (c) of the statutes is amended to read:

18 938.38 (2) (c) The juvenile is under the supervision of an agency under s. 48.64
19 (2) ~~or pursuant to, under a consent decree under s. 938.32 (1) (c), or under~~ a court
20 order under s. 938.355.

21 **SECTION 161.** 938.38 (2) (f) of the statutes is amended to read:

22 938.38 (2) (f) The juvenile's care ~~is paid~~ would be paid for under s. 49.19 but
23 for s. 49.19 (20).

24 **SECTION 162.** 938.38 (3) (intro.) of the statutes is amended to read:

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1 938.38 (3) TIME. (intro.) Subject to s. 938.355 (2d) (c) 1., the agency shall file
2 the permanency plan with the court within 60 days after the date on which the
3 juvenile was first ~~held in physical custody or placed outside of~~ removed from his or
4 her home ~~under a court order~~, except under either of the following conditions:

5 **SECTION 163.** 938.38 (4) (intro.) of the statutes is amended to read:

6 938.38 (4) CONTENTS OF PLAN. (intro.) The permanency plan shall include ~~a~~
7 ~~description of~~ all of the following:

8 **SECTION 164.** 938.38 (4) (a) of the statutes is renumbered 938.38 (4) (ar) and
9 amended to read:

10 938.38 (4) (ar) ~~The~~ A description of the services offered and any service services
11 provided in an effort to prevent ~~holding or placing the juvenile outside of the removal~~
12 of the juvenile from his or her home, while assuring that the health and safety of the
13 juvenile are the paramount concerns, and to ~~make it possible for the juvenile to~~
14 ~~return safely home,~~ achieve the goal of the permanency plan, except that the
15 permanency plan ~~need not~~ is not required to include a description of those ~~the~~
16 services offered or provided with respect to a parent of the juvenile to prevent the
17 removal of the juvenile from the home or to achieve the permanency plan goal of
18 returning the juvenile safely to his or her home if any of the circumstances specified
19 in s. 938.355 (2d) (b) 1., ~~2., 3. or~~ to 4. apply to that parent.

20 **SECTION 165.** 938.38 (4) (ag) of the statutes is created to read:

21 938.38 (4) (ag) The name, address, and telephone number of the juvenile's
22 parent, guardian, and legal custodian.

23 **SECTION 166.** 938.38 (4) (am) of the statutes is created to read:

24 938.38 (4) (am) The date on which the juvenile was removed from his or her
25 home and the date on which the juvenile was placed in out-of-home care.

ASSEMBLY BILL**SECTION 167**

1 **SECTION 167.** 938.38 (4) (bm) of the statutes is amended to read:

2 938.38 (4) (bm) ~~The A statement as to the~~ availability of a safe and appropriate
3 placement with a fit and willing relative of the juvenile and, if a decision is made not
4 to place the juvenile with an available relative, a statement as to why placement with
5 the relative is not safe or appropriate.

6 **SECTION 168.** 938.38 (4) (dg) of the statutes is created to read:

7 938.38 (4) (dg) Information about the juvenile's education, including all of the
8 following:

9 1. The name and address of the school in which the juvenile is or was most
10 recently enrolled.

11 2. Any special education programs in which the juvenile is or was previously
12 enrolled.

13 3. The grade level in which the juvenile is or was most recently enrolled and
14 all information that is available concerning the juvenile's grade level performance.

15 4. A summary of all available education records relating to the juvenile that are
16 relevant to any education goals included in the education services plan prepared
17 under s. 938.33 (1) (e).

18 **SECTION 169.** 938.38 (4) (dm) of the statutes is created to read:

19 938.38 (4) (dm) If as a result of the placement the juvenile has been or will be
20 transferred from the school in which the juvenile is or most recently was enrolled,
21 documentation that a placement that would maintain the juvenile in that school is
22 either unavailable or inappropriate or that a placement that would result in the
23 juvenile's transfer to another school would be in the juvenile's best interests.

24 **SECTION 170.** 938.38 (4) (dr) of the statutes is created to read:

ASSEMBLY BILL

SECTION 170

1 938.38 (4) (dr) Medical information relating to the juvenile, including all of the
2 following:

3 1. The names and addresses of the juvenile's physician, dentist, and any other
4 health care provider that is or was previously providing health care services to the
5 juvenile.

6 2. The juvenile's immunization record, including the name and date of each
7 immunization administered to the juvenile.

8 3. Any known medical condition for which the juvenile is receiving medical care
9 or treatment and any known serious medical condition for which the juvenile has
10 previously received medical care or treatment.

11 4. The name, purpose, and dosage of any medication that is being administered
12 to the juvenile and the name of any medication that causes the juvenile to suffer an
13 allergic or other negative reaction.

14 **SECTION 171.** 938.38 (4) (e) of the statutes is amended to read:

15 938.38 (4) (e) The A plan for ensuring the safety and appropriateness of the
16 placement and a description of the services provided to meet the needs of the juvenile
17 and family, including a discussion of services that have been investigated and
18 considered and are not available or likely to become available within a reasonable
19 time to meet the needs of the juvenile or, if available, why such services are not safe
20 or appropriate.

21 **SECTION 172.** 938.38 (4) (f) (intro.) of the statutes is amended to read:

22 938.38 (4) (f) (intro.) The A description of the services that will be provided to
23 the juvenile, the juvenile's family, and the juvenile's foster parent, the juvenile's
24 treatment foster parent ~~or~~, the operator of the facility where the juvenile is living,

ASSEMBLY BILL

1 or the relative with whom the juvenile is living to carry out the dispositional order,
2 including services planned to accomplish all of the following:

3 **SECTION 173.** 938.38 (4) (fg) of the statutes is created to read:

4 938.38 (4) (fg) The goal of the permanency plan or, if the agency is making
5 concurrent reasonable efforts under s. 938.355 (2b), the goals of the permanency
6 plan, in the order of preference specified in subds. 1. to 5. If a goal of the permanency
7 plan is any goal other than return of the juvenile to his or her home, the permanency
8 plan shall include the rationale for deciding on that goal. If a goal of the permanency
9 plan is an alternative permanent placement under subd. 5., the permanency plan
10 shall document a compelling reason why it would not be in the best interest of the
11 juvenile to pursue a goal specified in subds. 1. to 4. The agency shall determine the
12 goal or goals of a juvenile's permanency plan in the following order of preference:

- 13 1. Return of the juvenile to the juvenile's home.
- 14 2. Placement of the juvenile for adoption.
- 15 3. Placement of the juvenile with a guardian.
- 16 4. Permanent placement of the juvenile with a fit and willing relative.
- 17 5. Some other alternative permanent placement, including sustaining care,
18 independent living, or long-term foster care.

19 **SECTION 174.** 938.38 (4) (fm) of the statutes is amended to read:

20 938.38 (4) (fm) If the goal of the permanency plan calls for placing is to place
21 the juvenile for adoption, with a guardian, with a fit and willing relative, or in some
22 other alternative permanent placement, the efforts made to ~~place the juvenile for~~
23 ~~adoption, with a guardian or in some other alternative permanent placement~~ achieve
24 that goal.

25 **SECTION 175.** 938.38 (4) (h) of the statutes is created to read:

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SECTION 175

1 938.38 (4) (h) If the juvenile is 15 years of age or over, a description of the
2 programs and services that are or will be provided to assist the juvenile in preparing
3 for the transition from out-of-home care to independent living. The description
4 shall include all of the following:

5 1. The anticipated age at which the juvenile will be discharged from
6 out-of-home care.

7 2. The anticipated amount of time available in which to prepare the juvenile
8 for the transition from out-of-home care to independent living.

9 3. The anticipated location and living situation of the juvenile on discharge
10 from out-of-home care.

11 4. A description of the assessment processes, tools, and methods that have been
12 or will be used to determine the programs and services that are or will be provided
13 to assist the juvenile in preparing for the transition from out-of-home care to
14 independent living.

15 5. The rationale for each program or service that is or will be provided to assist
16 the juvenile in preparing for the transition from out-of-home care to independent
17 living, the time frames for delivering those programs or services, and the intended
18 outcome of those programs or services.

19 **SECTION 176.** 938.38 (5) (a) of the statutes is amended to read:

20 938.38 (5) (a) The court or a panel appointed under ~~this paragraph~~ par. (ag)
21 shall review the permanency plan ~~every~~ in the manner provided in this subsection
22 not later than 6 months from after the date on which the juvenile was first held in
23 ~~physical custody or placed outside of~~ removed from his or her home and every 12
24 months after a previous review under this subsection for as long as the juvenile is
25 placed outside the home, except that for the review that is required to be conducted

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SECTION 176

1 not later than 12 months after the juvenile was first removed from his or her home
2 and the reviews that are required to be conducted every 12 months after that review
3 the court shall hold a hearing under sub. (5m) to review the permanency plan, which
4 hearing may be instead of or in addition to the review under this subsection.

5 (ag) If the court elects not to review the permanency plan, the court shall
6 appoint a panel to review the permanency plan. The panel shall consist of 3 persons
7 who are either designated by an independent agency that has been approved by the
8 chief judge of the judicial administrative district or designated by the agency that
9 prepared the permanency plan. A voting majority of persons on each panel shall be
10 persons who are not employed by the agency that prepared the permanency plan and
11 who are not responsible for providing services to the juvenile or the parents of the
12 juvenile whose permanency plan is the subject of the review.

13 SECTION 177. 938.38 (5) (b) of the statutes is amended to read:

14 938.38 (5) (b) The court or the agency shall notify the parents of the juvenile,
15 the juvenile, if he or she is 10 years of age or older, and the juvenile's foster parent,
16 the juvenile's treatment foster parent or, the operator of the facility in which the
17 juvenile is living, or the relative with whom the juvenile is living of the date, time,
18 and place of the review, of the issues to be determined as part of the review, and of
19 the fact that they may have an opportunity to be heard at the review by submitting
20 written comments not less than 10 working days before the review or by
21 participating at the review. The court or agency shall notify the person representing
22 the interests of the public, the juvenile's counsel, and the juvenile's guardian ad litem
23 of the date of the review, of the issues to be determined as part of the review, and of
24 the fact that they may submit written comments not less than 10 working days before
25 the review. Any written or oral statement made to the court under this paragraph

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SECTION 177

1 by a foster parent, treatment foster parent, operator of a facility in which a juvenile
2 is living, or relative with whom a juvenile is living shall be made under oath or
3 affirmation. The notices under this paragraph shall be provided in writing not less
4 than 30 days before the review and copies of the notices shall be filed in the juvenile's
5 case record.

6 **SECTION 178.** 938.38 (5) (c) 6. (intro.) of the statutes is amended to read:

7 938.38 (5) (c) 6. (intro.) If the juvenile has been placed outside of his or her
8 home, as described in s. 938.365 (1), for 15 of the most recent 22 months, not including
9 any period during which the juvenile was a runaway from the out-of-home
10 placement or the juvenile was returned to his or her home for a trial home visit of 6
11 months or less, the appropriateness of the permanency plan and the circumstances
12 which prevent the juvenile from any of the following:

13 **SECTION 179.** 938.38 (5) (c) 6. am. of the statutes is renumbered 938.38 (5) (c)
14 6. cm. and amended to read:

15 938.38 (5) (c) 6. cm. Being placed in the home of a fit and willing relative of the
16 juvenile.

17 **SECTION 180.** 938.38 (5) (c) 6. cg. of the statutes is created to read:

18 938.38 (5) (c) 6. cg. Being placed with a guardian.

19 **SECTION 181.** 938.38 (5) (c) 6. d. of the statutes is amended to read:

20 938.38 (5) (c) 6. d. Being placed in some other alternative permanent
21 placement, including sustaining care, independent living, or long-term foster care.

22 **SECTION 182.** 938.38 (5) (c) 7. of the statutes is amended to read:

23 938.38 (5) (c) 7. Whether reasonable efforts were made by the agency to make
24 ~~it possible for the juvenile to return safely to his or her home, except that the court~~
25 ~~or panel need not determine whether those reasonable efforts were made with~~

ASSEMBLY BILL

1 ~~respect to a parent of the juvenile if any of the circumstances specified in s. 938.355~~
2 ~~(2d) (b) 1., 2., 3. or 4. apply to that parent~~ achieve the goal of the permanency plan,
3 unless return of the juvenile to the home is the goal of the permanency plan and any
4 of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

5 **SECTION 183.** 938.38 (5m) of the statutes is created to read:

6 938.38 (5m) PERMANENCY PLAN HEARING. (a) The court shall hold a hearing to
7 review the permanency plan and to make the determinations specified in sub. (5) (c)
8 no later than 12 months after the date on which the juvenile was first removed from
9 the home and every 12 months after a previous hearing under this subsection for as
10 long as the juvenile is placed outside the home.

11 (b) Not less than 30 days before the date of the hearing, the court shall notify
12 the juvenile; the juvenile's parent, guardian, and legal custodian; the juvenile's foster
13 parent or treatment foster parent, the operator of the facility in which the juvenile
14 is living, or the relative with whom the juvenile is living; the agency that prepared
15 the permanency plan; and the person representing the interests of the public of the
16 date, time, and place of the hearing.

17 (c) Any person who is provided notice of the hearing may have an opportunity
18 to be heard at the hearing by submitting written comments relevant to the
19 determinations specified in sub. (5) (c) not less than 10 working days before the date
20 of the hearing or by participating at the hearing. Any written or oral comment made
21 to the court under this paragraph by a foster parent, treatment foster parent,
22 operator of a facility in which a juvenile is living, or relative with whom a juvenile
23 is living shall be made under oath or affirmation. A foster parent, treatment foster
24 parent, operator of a facility in which a juvenile is living, or relative with whom a
25 juvenile is living who receives notice of a hearing under par. (b) and an opportunity

ASSEMBLY BILL**SECTION 183**

1 to be heard under this paragraph does not become a party to the proceeding on which
2 the hearing is held solely on the basis of receiving that notice and opportunity to be
3 heard.

4 (d) At least 5 days before the date of the hearing the agency that prepared the
5 permanency plan shall provide a copy of the permanency plan and any written
6 comments submitted under par. (c) to the court, to the juvenile's parent, guardian,
7 and legal custodian, to the person representing the interests of the public, and to the
8 juvenile's counsel or guardian ad litem. Notwithstanding s. 938.78 (2) (a), the person
9 representing the interests of the public and the juvenile's counsel or guardian ad
10 litem may have access to any other records concerning the juvenile for the purpose
11 of participating in the review. A person permitted access to a juvenile's records under
12 this paragraph may not disclose any information from the records to any other
13 person.

14 (e) After the hearing, the court shall make written findings of fact and
15 conclusions of law relating to the determinations under sub. (5) (c) and shall provide
16 a copy of those findings of fact and conclusions of law to the juvenile; the juvenile's
17 parent, guardian, and legal custodian; the juvenile's foster parent or treatment foster
18 parent, the operator of the facility in which the juvenile is living, or the relative with
19 whom the juvenile is living; the agency that prepared the permanency plan; and the
20 person representing the interests of the public. The court shall make the findings
21 specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances specific to
22 the juvenile and shall document or reference the specific information on which those
23 findings are based in the findings of fact and conclusions of law prepared under this
24 paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c)
25 7. without documenting or referencing that specific information in the findings of fact

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1 and conclusions of law or amended findings of fact and conclusions of law that
2 retroactively correct earlier findings of fact and conclusions of law that do not comply
3 with this paragraph are not sufficient to comply with this paragraph.

4 (f) If the findings of fact and conclusions of law under par. (e) conflict with the
5 juvenile's dispositional order or provide for any additional services not specified in
6 the dispositional order, the court shall revise the dispositional order under s. 938.363
7 or order a change in placement under s. 938.357, as appropriate.

8 **SECTION 184.** 938.78 (2) (a) of the statutes is amended to read:

9 938.78 (2) (a) No agency may make available for inspection or disclose the
10 contents of any record kept or information received about an individual in its care
11 or legal custody, except as provided under sub. (3) or s. 938.371, 938.38 (5) (b) or (d)
12 or (5m) (d), or 938.51 or by order of the court.

13 **SECTION 185. Nonstatutory provisions.**

14 (1) **RELATIVE PLACEMENT PERMANENCY PLANS.**

15 (a) Notwithstanding sections 48.38 (3) and 938.38 (3) of the statutes, for
16 children or juveniles who are living in the home of a relative, as defined in section
17 48.02 (15) or 938.02 (15) of the statutes, under the supervision of an agency under
18 section 48.64 (2) of the statutes, under a consent decree under section 48.32 or 938.32
19 of the statutes, or under an order under section 48.355 or 938.355 of the statutes on
20 the day before the effective date of this paragraph, the agency assigned primary
21 responsibility for providing services to those children or juveniles shall file a
22 permanency plan with that court with respect to not less than 33% of those children
23 or juveniles by July 1, 2002, with respect to not less than 67% of those children or
24 juveniles by September 1, 2002, and with respect to all of those children or juveniles

ASSEMBLY BILL**SECTION 185**

1 by November 1, 2002, giving priority to those children or juveniles who have been
2 living in the home of a relative for the longest period of time.

3 (b) The agency shall request the court assigned to exercise jurisdiction under
4 chapters 48 and 938 of the statutes, as affected by this act, to make a finding under
5 section 48.363 or 938.363 of the statutes that reasonable efforts have been made to
6 prevent the removal of the child or juvenile from the home or that those efforts are
7 not required to be made because a circumstance specified in section 48.355 (2d) (b)
8 1. to 5. of the statutes, as affected by this act, or section 938.355 (2d) (b) 1. to 4. of the
9 statutes, as affected by this act, applies, not more than 60 days after the date on
10 which the permanency plan is filed.

11 (c) Notwithstanding section 48.38 (5) (a) of the statutes, as affected by this act,
12 section 48.38 (5m) of the statutes, as created by this act, section 938.38 (5) (a) of the
13 statutes, as affected by this act, and section 938.38 (5m) of the statutes, as created
14 by this act, a permanency plan filed under this subsection shall be reviewed within
15 6 months after the date on which the permanency plan is filed and a permanency
16 plan hearing shall be had to review a permanency plan filed under this subsection
17 within 12 months after the date on which the permanency plan is filed.

18 **SECTION 186. Initial applicability.**

19 (1) JUVENILE COURT ORDERS. The treatment of sections 48.21 (5) (b) 1. and 3., (c),
20 and (d), 48.355 (2) (b) 6. and 6r., (2c) (b), (2d) (b) (intro.), 1., 2., 3., 4., and 5. and (bm),
21 and (4), 48.357 (6), 48.365 (2m) (ag) and (5), 48.977 (2) (f), 938.21 (5) (b) 1. and 3., (c),
22 and (d), 938.32 (1) (c) and (d), 938.355 (2) (b) 6. and 6r., (2c) (b), (2d) (b) (intro.), 1.,
23 2., 3., 4., and 5. and (bm), (4) (a) and (b), (6) (a), and (6m) (cm), 938.357 (6), and
24 938.365 (2m) (ag) and (5) of the statutes, the renumbering and amendment of
25 sections 48.32 (1), 48.355 (2d) (c), 48.365 (2m) (a), 938.355 (2d) (c), and 938.365 (2m)

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1 (a) of the statutes, and the creation of sections 48.32 (1) (b) and (c), 48.355 (2d) (c) 2.
2 and 3., 48.365 (2m) (a) 2. and 3. and (ad), 938.355 (2d) (c) 2. and 3., and 938.365 (2m)
3 (a) 2. and 3. and (ad) of the statutes first apply to a physical custody order, consent
4 decree, dispositional order, change in placement order, extension order, sanction
5 order, or guardianship order entered on the effective date of this subsection.

6 (2) JUVENILE COURT REPORTS. The treatment of sections 48.33 (4) (intro.) and (c),
7 48.365 (1) and (2g) (b) 2. and 3., 938.33 (4) (intro.) and (c), and 938.365 (1) and (2g)
8 (b) 2. and 3. of the statutes first applies to reports filed with the court assigned to
9 exercise jurisdiction under chapters 48 and 938 of the statutes on the effective of this
10 subsection.

11 (3) JUVENILE COURT HEARINGS. The treatment of sections 48.21 (1) (a) and (3)
12 (am) and (e), 48.27 (3) (a) 1m., 48.335 (3g), 48.42 (2g) (am), 48.427 (1m), 938.21 (1)
13 (a), (2) (am) and (d), and (3) (am) and (e), 938.27 (3) (a) 1m., and 938.335 (3g) of the
14 statutes first applies to hearings held by the court assigned to exercise jurisdiction
15 under chapters 48 and 938 of the statutes on the effective of this subsection.

16 (4) PERMANENCY PLAN CONTENTS. The treatment of sections 48.38 (4) (intro.), (a),
17 (ag), (am), (bm), (dg), (dm), (dr), (e), (f) (intro.), (fg), (fm), and (h) and 938.38 (4)
18 (intro.), (a), (ag), (am), (bm), (dg), (dm), (dr), (e), (f) (intro.), (fg), (fm), and (h) of the
19 statutes first applies to permanency plans filed on the effective date of this
20 subsection.

21 (5) PERMANENCY PLAN REVIEWS AND HEARINGS. The treatment of sections 48.38
22 (5) (a), (b), and (c) 6. (intro.), am., cg., and d. and 7. and (5m) and 938.38 (5) (a), (b),
23 and (c) 6. (intro.), am., cg., and d. and 7. and (5m) of the statutes first applies to
24 permanency plan reviews and hearings for which notice is provided on the effective
25 date of this subsection.

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(6) CHANGES IN PLACEMENT. The treatment of sections 48.357 (2) and (2r) and 938.357 (2), (2r), (3), (4) (b) 2., (c) 1. and 2., and (d), and (5) (a) of the statutes, the renumbering and amendment of sections 48.357 (1), (2m), and (2v) and 938.357 (1), (2m), and (2v) of the statutes, and the creation of sections 48.357 (1) (b) 3., and (c), (2m) (c), and (2v) (a) (intro.), 1., and 3., (b), and (c) and 938.357 (1) (b) 3. and (c), (2m) (c), and (2v) (a) (intro.), 1., and 3., (b), and (c) of the statutes first apply to changes in placement requested or proposed on the effective date of this subsection.

(7) TIME LIMITS. The treatment of sections 48.315 (2m) and 938.315 (2m) of the statutes first applies to continuances and extensions granted, and periods of delay that begin, on the effective date of this subsection.

(8) JUVENILE COURT PETITIONS. The treatment of sections 48.255 (1) (f), (1m) (f), and (2) and 938.255 (1) (f) and (2) of the statutes first applies to petitions filed with the court assigned to exercise jurisdiction under chapters 48 and 938 of the statutes on the effective date of this subsection.

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

4892/2 dn
LRB-4375/2 dn
GMM:kg:jf

February 12, 2002

Senator Robson

~~Representative Kestell:~~

As a result of my meeting on Thursday afternoon with Therese Durkin and Michelle Jensen of DHFS, this redraft makes the following changes to the draft:

1. The redraft permits the juvenile court to reference another document when making the contrary-to-welfare and reasonable-efforts findings rather than having to recite the information on which those findings are based in the court order.
2. The redraft requires the juvenile court merely to find that continued placement in the home would be contrary to the *welfare* of the child rather than contrary to the *health, safety, and welfare* of the child.
3. The redraft permits a parent who has waived his or her right to participate in a custody hearing to obtain a rehearing only *on good cause shown*. The previous draft did not include that good-cause requirement, thereby permitting such a parent to obtain a rehearing merely on request.
4. The redraft requires a petition requesting the juvenile court to assert its jurisdiction over a child who has been removed from the home to specify reliable and credible information showing that continued placement in the home would be contrary to the welfare of the child and, unless an aggravated circumstance applies, that the person who took the child into custody and the intake worker have made reasonable efforts to prevent the removal of the child from the home and to return the child to the home.
5. The redraft specifies that a juvenile court order placing outside the home a child who is a full-time student and who is reasonably expected to complete his or her educational program before reaching 19 years of age terminates when the child reaches 19 years of age unless, of course, the child completes the program sooner, in which case the child is no longer a full-time student and this exception would no longer apply.
6. The redraft clarifies that, when speaking of an out-of-home placement in the home of a relative, the term "relative" does not include a parent.
7. The redraft deletes references to trial home visits of more than six months authorized by the juvenile court. Although the federal regulations permit trial home visits of more than six months, DHFS has chosen to be more restrictive and not let trial home visits drag on that long.

8. In ss. 48.38 (5) (a) and 938.38 (5) (a), the redraft attempts to distinguish more clearly between permanency plan *reviews* conducted by the juvenile court or a panel appointed by the juvenile court and permanency plan *hearings*, which must be conducted by the juvenile court.

At our meeting we also discussed replacing a cross-reference to the now-defunct AFDC program, s. 49.19, with a cross-reference to s. 46.261, which is still in operation. This redraft does not make that change because s. 46.261 itself cross-references s. 49.19. As such, the cross-reference to s. 46.261 would merely result in a roundabout cross-reference to s. 49.19 in any event.

If you have any questions about this draft, please do not hesitate to contact me directly at the phone number or e-mail address listed below.

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